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NOTES AND MEMORANDA.

LAWS REGULATING THE MIGRATION OF RUSSIANS THROUGH GERMANY.

For a clear understanding of the regulations affecting the migration of Russians thru Germany, it is essential to have some idea of the motives which induce the German government to enact such legislation. Germany is very anxious to build up her merchant marine. In her trade with the United States she exports manufactured articles whose bulk is small, with the possible exception of sugar, while she imports mostly bulky raw material. As a result, German ships would have to travel westward only half-loaded, and freight rates would have to be higher on this account,—a great handicap in the international struggle for the transatlantic carrying trade. The possibility of filling the westward-bound vessels with immigrants, and of charging high prices for their transportation, enables Germany to reduce her freight rates, and to compete successfully with England's merchant marine. It is essential, then, for Germany's trade interests to have a continuous current of westward immigration fill her vessels with human freight.¹

Until recent years the emigration from Germany was large, and her own emigrants filled up the deck space of her westward-bound steamers. But German emigration has greatly decreased, and in 1900 only about 9 per cent. of the emigrants leaving Hamburg and Bremen were natives of Germany.² It became necessary for Germany to secure

¹ Dr. Kurt Wiedenfeld, *Die nordwesteuropäischen Welthäfen in ihrer Verkehrs und Handelsbedeutung*, Publications of the Geographical Institute at the University of Berlin, Heft 3, January, 1903, pp. 357, 358.

² *Idem*, p. 356.

the transportation across the ocean of the emigrants leaving Russia for the United States. These emigrants, for purely geographical reasons, travelled thru Germany; and she had a good opportunity of directing them toward the German vessels belonging to the Hamburg-American Line and the North German Lloyd.

The Russian emigrant, then, was desirable as a transportable commodity. But Germany always had a strong feeling against the elements of the Russian population which emigrated to the United States. They were malcontents, who were dangerous to Germany's political stability. Germany wanted the Russians to embark on German ships, but she was desirous that none of them should remain in German territory.

Such were the motives of the regulative legislation which we are briefly to consider. These laws, or regulations, it is to be noted, were passed by Prussia. They are not laws of the German empire. Tentative regulations were established on May 6, 1892, and May 27, 1893; but the first important rule was proclaimed in a circular of the Prussian Minister of the Interior on October 8, 1893. It read: "Russian emigrants are prohibited from entering the Prussian monarchy, unless they possess a lawful passport, a ticket to America, and a sufficient sum of money to secure their transportation to their destination in America. Persons over ten years of age must show 400 marks, younger persons 100 marks. The persons, however, who have steamship tickets for one of the German lines are not required to produce any cash."¹

This interesting "regulation" does not define the word "emigrant," and leaves it to the discretion of the police to decide who belong to that class. As a result, the regulations are applied to people whose clothes do not come up to the minimum requirement for a non-emigrant in the eyes of a German policeman, and to persons who travel in the fourth class on the railroads.

In this way the two purposes of the German govern-

¹ *Preussisches Ministerialblatt für innere Verwaltung*, 1893, p. 247.

ment are accomplished. The transportation companies are assured a supply of a profitable freight, and German political stability is not endangered by an influx of the revolutionary population of the Russian empire.

Before considering the next enactment on the matter, we have to present a little historical information. In 1892 a cholera epidemic broke out in Hamburg. The governments of Hamburg and Bremen prohibited the entrance of Russian emigrants into their territories, thinking that they brought the disease. This was a blow for the steamship companies. A conference of the interested parties was called. The companies decided to build a quarantine station where all the emigrants could be inspected before entering Hamburg or Bremen. Soon after Prussia demanded similar precautions, and the transportation companies erected nine sanitary inspection stations on the Russo-German frontier. After the epidemic was over, these quarantine stations were retained by the Prussian government, and Russian emigrants had to go through those stations before being admitted to Prussian territory. The steamship companies agreed to bear all the expense of this inspection. On April 3, 1895, another regulation was issued,¹ which required from a Russian emigrant the same things as the law of 1893, but waived all these requirements, including the possession of a passport, if only the representatives of the Hamburg-American Line or of the North German Lloyd took charge of the emigrant's transportation to the United States. In any other case the absence of any of the prescribed possessions made the emigrant liable to deportation to the Russian frontier. Fines up to 60 marks were established for the attempt to evade the quarantine stations.

The regulations work great hardship. After temporary detention at quarantine, the Russian emigrants are treated literally as prisoners of the transportation companies. The trains conveying them to Hamburg or Bremen are

¹ *Preussisches Ministerialblatt für innere Verwaltung*, 1895, p. 129.

escorted by police, and the compartments are locked when the train stops at the stations.

The only additional legislation since 1895 is the law of February 26, 1905,¹ which bars from Germany Russian emigrants who possess passports, the required cash, and steamship tickets, unless these tickets are for one of the transportation lines which have secured concessions from Germany.

These restrictions throw a good many difficulties in the way of Russian emigrants. Not long ago twenty of them who possessed tickets for a Holland-American steamer, but did not possess the required sum of money, succeeded in reaching the frontier of Holland, and there, where Germany's concern in them should have ceased, they were caught by the German authorities, detained for some time in the Frankfurt Prison, and then deported to Russia.²

All this Prussian legislation is seemingly a violation of Section 1 of Article IV. of the constitution of the German empire, which provides that all legislation about and control of foreigners in the country should be left in the hands of the imperial government. In addition, the interference with the interests and the personal liberty of the subjects of one country by the administration of another is certainly a breach of international comity, if not a violation of international law. Russia's acquiescence in the discrimination against her subjects is due to the fact that the large majority of the emigrants belong in Russia within the pale of Jewish settlement, and are outside the pale of law.

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¹ *Preussisches Ministerialblatt für innere Verwaltung*, 1905, p. 48.

² *Frankfurter Zeitung*, 1905, Nos. 229 and 230.